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April 24, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Attention: Wireline Competition Bureau

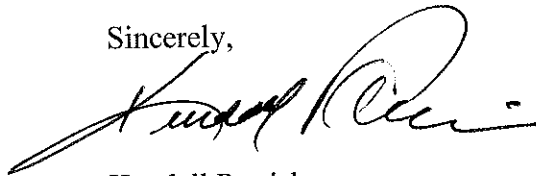
Re: Medicine Park Telephone Company
Petition for Study Area Waiver CC Docket No. 96- 45

Dear Ms. Dortch:

On behalf of Medicine Park Telephone Company ("Medicine Park"), please find enclosed the Petition for Waiver of the Definition of "Study Area" of the Appendix-Glossary of Part 36 of the Commission's Rules.

Inquiries may be directed to the undersigned consultant for Medicine Park.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kendall Parrish', written over a horizontal line.

Kendall Parrish

Enclosures

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Medicine Park Telephone Company)	CC Docket No. 96-45
)	
Petition for Waiver of the Definition of)	
"Study Area" of the Appendix-Glossary of)	
Part 36 of the Commission's Rules)	

PETITION FOR WAIVER

Pursuant to Section 1.3 of the rules of the Federal Communications Commission ("FCC" or "Commission"),¹ Medicine Park Telephone Company ("Medicine Park") hereby requests a waiver of the Commission's study area boundary freeze codified in the Appendix-Glossary of Part 36 of FCC rules.² Medicine Park seeks a waiver of the study area boundary freeze in order to redefine its study area to include previously unserved territory within the State of Oklahoma which the Company has been designated the Cookietown exchange. The redefinition will reflect Medicine Park's expansion of facilities and service offerings into previously unserved and/or unassigned area within the State of Oklahoma.

I. INTRODUCTION AND SUMMARY

Medicine Park is an incumbent local exchange carrier providing supported services within its current study area located in a rural part of Comanche County, Oklahoma. The Company's current study area is bounded by the Fort Sill US Army artillery range to the south, Lake Lawtonka to the north, and the Wichita Mountain Wildlife Refuge to the West. The Company serves a total

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. Part 36 Appendix ("Study Area. Study area boundaries shall be frozen as they are on November 15, 1984.")

of approximately 650 access lines within its existing study area.

In 2013, Medicine Park identified an area within the State of Oklahoma that was near its existing study area and that was not currently served by another provider or contained within any other provider's study area. The Company requested a certificate of convenience and necessity and designation as an eligible telecommunications carrier from the Oklahoma Corporation Commission applicable to the area, which the Company proposed to operate as a separate telephone exchange called the Cookietown exchange. In January, 2016, the Oklahoma Corporation Commission granted a certificate of convenience and necessity to Medicine Park to serve the Cookietown exchange and designated Medicine Park an eligible telecommunications carrier for the Cookietown exchange by Order No. 648495, in Cause No. PUD 201300040.

Also in 2013, Medicine Park was the recipient of a Community Connect Grant administered by the United States Department of Agriculture (USDA) under which RUS grant funding will be used to deploy telecommunications service and broadband service to the Cookietown area using advanced fiber-to-the-home technology and facilities. Medicine Park intends to honor the committed buildout obligations for the Community Connect and CAF funding eligible locations in both its existing Medicine Park exchange and the new Cookietown exchange.

Upon grant of the requested waiver, Medicine Park Telephone Company will incorporate the Cookietown exchange within its rate-of-return study area and will maintain consolidated books of accounts that include the operations of both exchanges.

II. WAIVER STANDARD

In general, the FCC's rules may be waived for good cause shown.³ Waiver is appropriate

³ 47 C.F.R. § 1.3.

where the “particular facts would make strict compliance inconsistent with the public interest.”⁴ The FCC may grant a waiver of its rules where the requested relief would not undermine the policy objective of the rule in question, special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁵

Part 36 of the Commission’s rules which freezes study area boundaries effective November 15, 1984, was intended to prevent ILECs from establishing separate study areas made up only of high-cost exchanges to maximize their receipt of high-cost universal service support. The Commission adopted a two-prong standard for evaluating petitions for study area waiver: (1) the state commission having regulatory authority over the transferred exchanges does not object to the transfer and (2) the transfer must be in the public interest.⁶

III. WAIVER IS JUSTIFIED

A. The Oklahoma Corporation Commission Does Not Object to the Expansion of Medicine Park’s Study Area.

In the proceeding in which the Oklahoma Corporation Commission (“OCC”) granted Medicine Park a certificate of convenience and necessity to provide telecommunications service in the Cookietown exchange and designated Medicine Park as an eligible telecommunications carrier, in the Cookietown exchange, the OCC considered the need for Medicine Park to seek a waiver of its existing study area boundary and directed that the Company request such a waiver from the Commission. Nevertheless, the required Notice of this Petition is being filed with the Oklahoma Corporation Commission (“OCC”) concurrent with this Petition. Medicine Park will

⁴ See *AT&T Wireless Services, Inc. et al. v. Federal Communications Commission*, No. 00-1304 (D.C. Cir. 2001), citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

⁵ See generally, *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); see also *Northeast Cellular* (D.C. Cir. 1990).

⁶ See *Connect America Fund et al.*; WC Docket Nos. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) *aff’d sub nom.*, *In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014) at 265.

keep the Commission apprised of OCC actions, and will supplement this Petition upon conclusion of the state proceeding.

B. Modification of the Medicine Park Study Area is in the Public Interest

1. Number of Lines at Issue

The Medicine Park study area as modified to include the Cookietown exchange will total approximately 700 access lines. Until Medicine Park's interest, no other provider had offered to provide the supported services in the Cookietown area. Medicine Park is strategically located to efficiently and effectively provide advanced telecommunications voice and robust broadband services to the Cookietown exchange.

2. Projected Universal Service Fund Cost Per Line

As explained above, USDA Community Connect grant funding and associated buildout commitments which have been accepted by Medicine Park will continue with little to no impact on the overall level of funding and associated buildout commitments. Further, there would be no impact on the total baseline for the CAF-ICC funding as the funds will be allocated based on access lines and then filings made from there to determine CAF/ICC.

C. Interstate Access Tariffs

Medicine Park is an issuing carrier in the National Exchange Carrier Association, Inc. ("NECA") Tariff F.C.C. No. 5 and will remain so following grant of the Petition.

IV. CONCLUSION

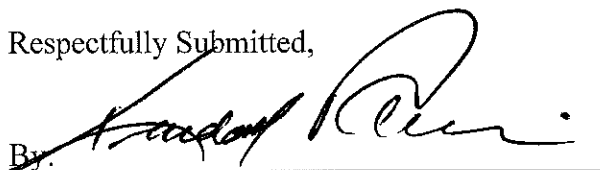
As demonstrated herein, "good cause" exists for grant of this waiver. The Cookietown exchange to be incorporated into Medicine Park's existing study area is located in close proximity to Medicine Park's existing study area. The Cookietown exchange is also geographically isolated from other rate-of-return company study areas, and is unserved by any other telecommunications

service provider. Medicine Park has a history of investing in its existing service area and has a strong tradition of local community involvement, all of which will benefit Cookietown customers. Accordingly, grant of this petition will allow the Cookietown exchange to be operated in a manner which will benefit Cookietown customers and allow Medicine Park to efficiently and effectively serve customers in both locations.

Further, the Medicine Park's requested modification of the Medicine Park study area boundary is not likely to materially burden the universal service fund or cause a shift in USF cost recovery. The proposed modification will have little to no impact to the Commission's budget for the amount of CAF support that has been allocated to Medicine Park due, in part, to its commitment to meet the buildout obligations which it has assumed under the Community Connect grant program. Additionally, grant of the waiver will have a *de minimus* impact on the total baseline for the CAF-ICC funding as the funds will be allocated based on access lines.

Medicine Park respectfully requests the Commission's expeditious consideration of this Petition in order that Medicine Park may timely begin the necessary steps to meet the buildout benchmarks in the required timeframe.

Respectfully Submitted,

By: 

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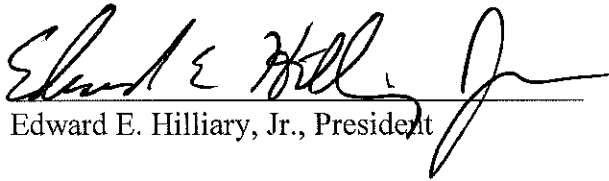
DECLARATION OF EDWARD E. HILLIARY, JR.

MEDICINE PARK TELEPHONE COMPANY

I, Edward E. Hilliary, Jr., of Medicine Park Telephone Company, do hereby declare under penalty of perjury that the statements made in the foregoing Petition for Waiver are true and accurate to the best of my knowledge, information and belief.

Dated this 17th day of April, 2017.

Medicine Park Telephone Company


Edward E. Hilliary, Jr., President